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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,269	12/04/2003	Matthew Girlando	60,446-257/01ZFM013 & 019	7108
26096	7590	05/03/2005	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			VAN PELT, BRADLEY J	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/728,269	Applicant(s) GIRLANDO ET AL.	
	Examiner Bradley J. Van Pelt	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-18 is/are pending in the application.
- 4a) Of the above claim(s) 4, 7, 8, 11, 13, 16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 9, 10, 12, 14, 15 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group D illustrated in Fig. 5 in the reply filed on February 24, 2005 is acknowledged.
2. Claims 4, 7, 8, 11, 13, 16, and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 24, 2005.

Claim Objections

3. The claims are objected to because of the following informalities: claim 6 is missing. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-3, 5, 9, 10, 12, 14, 15, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear as to how the adjustment member 36 adjusts. The adjustment member 36 is placed in housing 50 to form an interference fit in only one longitudinal position. The specification does not disclose how the adjustment member adjusts the force on the spring; therefore, the applicant has not enabled the invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5, 9, 10, 12, 14, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ballendux (USPN 4,503,727).

Ballendux discloses a vehicle detent transmission assembly comprising: a housing (6) having a bore (hole containing ball 50); a shift member (14) supported by and movable axially relative to said housing including a recess /profile (notches in 46) at least partially aligned with said bore; said recess/profile defining at least three axial shift positions; a detent (50) at least partially disposed within said bore and engaging said recess; a biasing member (57) generating a force on said detent urging said into engagement with said recess; and an adjustment member (threaded cap in bore) supported by a portion of said housing, said adjustment member coaxing with said biasing member and moving said biasing member between a plurality of compressive states with each of said states generating a different force on said detent;

said shift member is a shift rail;

wherein the shift rail supports a shift fork (13, 37);

wherein said recess includes a profile defining a plurality of shift positions;

wherein said biasing member is a coil spring;

wherein said adjustment member is threaded and said bore threading receives said adjustment member;

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a method of adjusting the shift feel to the operator of a transmission comprising the steps of: a) providing a transmission shift lever having a shift feel when moved between shift positions; b) providing a biasing member generating a force indicative of the shift feel; c) manipulating an adjustment member operatively connected to the biasing member; and d) changing the force to provide a different shift feel;

wherein step c) includes compressing the biasing member;

wherein step c) includes uncompressing the biasing member.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballendux in view of Buchter et al. (USPN 5,911,444).

Ballendux discloses all of the instantly claimed invention except a bushing, which provides an interference fit between the securing member and the adjustment member.

Buchter et al. shows a bushing 64, which provides an interference fit between the busing and an adjustment member 52.

To modify the apparatus of Ballendux so as to provide a bushing-interference fit would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Buchter et al. that such an arrangement creates a simpler cheaper

construction. Furthermore, it is well known that a bushing type interference fit is interchangeable with a threaded fastener.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballendux in view of Holmes (USPN 4,584,895)

Ballendux discloses all of the instantly claimed invention except a bushing, which provides an interference fit between the securing member and the adjustment member.

Holmes shows a bushing 148, which provides an interference fit between the busing and an adjustment member 146.

To modify the apparatus of Ballendux so as to provide a bushing-interference fit would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Holmes that such an arrangement creates a simpler cheaper construction. Furthermore, it is well known that a bushing type interference fit is interchangeable with a threaded fastener.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See enclosed notice of references cited.

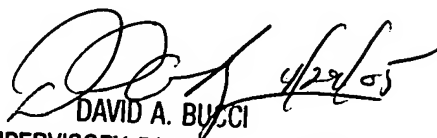
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J. Van Pelt whose telephone number is (571)272-7113. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (571)272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJVP 


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